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TO: (Officer designation, room number, and building)		DATE	OFFICER'S INITIALS	STAT
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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)				
<i>Milk</i> Morning Meeting Participants: Attached for your information STAT and review is a copy of the draft Title I of the charter legislation as we discussed at the Morning Meeting yesterday. The Director has reviewed this draft. This title and other titles of the charter legislation are under active consideration by the charter legislation working group. We will be keeping you informed as things develop on this front.				
 STAT				
 <i>George L. Cary</i> Legislative Counsel				

NATIONAL INTELLIGENCE ACT OF 1978

TITLE I	Foreign Intelligence Activities
TITLE II	Counterintelligence Activities
TITLE III	Central Intelligence Agency
TITLE IV	National Security Agency
TITLE V	Federal Bureau of Investigations
TITLE VI	National Reconnaissance Activities
TITLE VII	Restrictions on Intelligence Activities
TITLE VIII	Conforming Amendments*

*E.g., Repeal of §102 of the National Security Act of 1947, as amended; sources and methods legislation (Title 18 U. S. C.); repeal of §662 of the Foreign Assistance Act of 1961, as amended; amendments to House and Senate rules; necessary amendments to the Central Intelligence Agency Act of 1949, as amended; and retention in Title I of this Act, of the alien-admission authority in section 7 of the CIA Act.

TITLE I -- Foreign Intelligence Activities

- Sec. 101. Statement of Purposes
- Sec. 102. Definitions
- Sec. 103. Director, Deputy Director and Assistant Directors of Central Intelligence
- Sec. 104. Office of the Director of Central Intelligence
- Sec. 105. General Authorities and Responsibilities
- Sec. 106. Authorities and Duties of the Director of Central Intelligence
- Sec. 107. Requirements Relating to Appropriations for Foreign Intelligence Activities
- Sec. 108. Special Activities and Sensitive Collection Operations
- Sec. 109. Reporting on Violations; Intelligence Oversight Board
- Sec. 110. Reporting to the Congress

TITLE I -- FOREIGN INTELLIGENCE ACTIVITIES

STATEMENT OF PURPOSES

Sec. 101. It is the purpose of this Title --

- (a) to grant authority and assign responsibility for foreign intelligence activities to ensure that the Government shall have the intelligence information and analysis necessary to make informed decisions regarding the national security of the United States;
- (b) to ensure that foreign intelligence activities of the United States are properly and effectively directed, regulated, coordinated, and administered;
- (c) to authorize and provide effective oversight for special activities in support of national foreign policy objectives, and to ensure that such activities are properly approved and effectively directed;
- (d) to provide for the effective oversight of foreign intelligence activities of the United States, and to ensure that such activities are conducted in accordance with the Constitution and laws of the United States; and
- (e) to provide for the appointment of a Director, a Deputy Director and Assistant Directors of Central Intelligence, and to establish the authorities and duties of the Director.

DEFINITIONS

Sec. 102. As used in this Title --

(a) The term "foreign intelligence" means: information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, and includes foreign counterintelligence.

(b) The term "foreign counterintelligence" means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, and activities conducted abroad to protect national security information and its means of collection from detection by or disclosure to foreign powers, organizations or persons, but does not include personnel, physical, document or communications security programs.

(c) The term "foreign intelligence activity" means any activity undertaken by an agency within the Intelligence Community relating to the collection, processing, analysis, production, coordination or dissemination of foreign intelligence, and any activity in support thereof.

(d) The term "Intelligence Community" means:

(1) The Central Intelligence Agency;

(2) The National Security Agency;

(3) The Defense Intelligence Agency;

(4) Offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) Foreign intelligence elements of the military services;

(6) The Bureau of Intelligence and Research of the Department of State;

(7) Foreign intelligence elements of the Federal Bureau of Investigation;

(8) Foreign intelligence elements of the Department of the Treasury;

(9) Foreign intelligence elements of the Department of Energy;

(10) Foreign intelligence elements of the Drug Enforcement Administration;

(11) The Office of the Director of Central Intelligence; and

(12) Such other entities as may be engaged in foreign intelligence activities and as designated by the President in Executive Order.

(e) The term "international terrorist activity" means any activity which:

(1) involves:

(i) killing, causing serious bodily harm to, or kidnapping one or more individuals, or

(ii) violent destruction of property, or

(iii) an attempt or credible threat to commit acts specified in subparagraphs (i) or (ii) above; and

(2) appears intended to endanger a protegee of the Secret Service or the Department of State or to further political, social or economic goals by:

(i) intimidating or coercing a civilian population or any segment thereof,

(ii) influencing the policy of a government or international organization by intimidation or coercion, or

(iii) obtaining widespread publicity for a group or its cause; and

(3) transcends national boundaries in terms of:

(i) the means by which it is accomplished,

(ii) the civilian population, government, or international organization it appears intended to coerce or intimidate, or

(iii) the locale in which its perpetrators operate or seek asylum.

(f) The term "intelligence sources and methods" means any information, regardless of its origin, that is classified pursuant to the provisions of a statute or Executive Order, or a regulation or a rule issued pursuant thereto as information requiring a specific degree of protection against unauthorized disclosure for reasons of national security and which, in the interest of the foreign intelligence activities of the United States, has been specifically designated by a department or agency of the United States Government which is authorized by law or by the President to engage in foreign intelligence activities for the United States as information concerning:

(1) methods of collecting foreign intelligence;

(2) sources of foreign intelligence, whether human, technical, or other; or

(3) methods and techniques of analysis and evaluation of foreign intelligence.

(g) The term "national foreign intelligence" means foreign intelligence collected under the authority of the Director of Central Intelligence by agencies within the Intelligence Community.

(h) The term "national security information" means official information or material designated pursuant to statute or Executive Order as requiring protection against unauthorized disclosure in the interest of the national security or foreign relations of the United States.

(i) The term "sensitive intelligence collection operation" means any foreign intelligence collection activity or activity in support thereof which the President determines carries a significant risk of causing serious harm to the national security or foreign relations of the United States if revealed.

(j) The term "special activity in support of national foreign policy objectives" means any activity conducted outside the United States which is designed to further official United States programs and policies abroad and which is planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activity, but not including foreign intelligence activities.

DIRECTOR, DEPUTY DIRECTOR AND ASSISTANT
DIRECTORS OF CENTRAL INTELLIGENCE

Sec. 103. (a) There shall be a Director of Central Intelligence (hereinafter in this Title referred to as "Director"), a Deputy Director of Central Intelligence (hereinafter in this Title referred to as "Deputy Director") and, within the Office of the Director, not to exceed six Assistant Directors of Central Intelligence (hereinafter in this Title referred to as "Assistant Directors"), all of whom shall be appointed by the President, by and with the advice and consent of the Senate; Provided, that no person may serve as Director or Deputy Director for a period of more than six years unless such person is reappointed by the President, by and with the consent of the Senate; and Provided further, that no person who has served as Director or as Deputy Director by such appointment may be appointed to such position for more than one additional six-year term.

(b) The Deputy Director and Assistant Directors shall assist the Director in furtherance of his authorities and duties under this Act, by performing such functions as the Director may from time to time assign or delegate. The Deputy Director shall act for, and exercise the powers of the Director in his absence or disability or in the event of a vacancy in the position of the Director. The Director shall designate the order in which the Assistant Directors shall act for and perform the functions of the Director and Deputy Directors during the absence or disability of both the Director and Deputy Director or in the event of vacancies in both of these offices.

(c) The positions of Director and Deputy Director shall not be occupied simultaneously by commissioned officers of the armed services, whether in an active or retired status; Provided, that at no time shall more than three of the positions of Director, Deputy Director or Assistant Directors be occupied by commissioned officers of the armed services, whether in an active or retired status.

(d)(1) Any commissioned officer of the armed forces appointed as Director, Deputy Director or an Assistant Director shall, in the performance of the duties of such position:

(i) be subject to no supervision, control, restriction or prohibition (military or otherwise) other than would be applicable if the officer were a civilian in no way connected with the Department of Defense, a military department, or the armed forces of the United States or any component thereof; and

(ii) possess or exercise no supervision, control, powers or functions (other than as Director, Deputy Director or an Assistant Director) with respect to the Department of Defense, a military department, or the armed forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1) of this subsection, the appointment to the office of Director, Deputy Director or an Assistant Director of such officer and his acceptance of and service in such an office, shall in no way affect any status, office, rank or grade he may occupy or hold in the armed forces, or any emolument, perquisite, right, privilege or benefit incident to or arising out of any such status, office, rank or grade. Any such officer, while serving in the office of Director, Deputy Director or an Assistant Director, shall be compensated from funds appropriated to the Director, at the rate established for such position.

(3) The rank or grade of any such officer, during any period such officer occupies the office of Director, Deputy Director or an Assistant Director, shall be in addition to the numbers and percentages authorized and appropriated for the military department of which such officer is a member.

(4) The Director shall be entitled to the same compensation prescribed by Section 5312 of Title 5, United States Code, for positions at level I of the Executive Schedule. If a commissioned officer of the armed forces is serving as Director, he shall be entitled to the difference, if any, between his regular military compensation (as defined in Section 101(25) of Title 37, United States Code) and the compensation prescribed by Section 5312 of Title 5, United States Code, for positions at level I of the Executive Schedule.

(5) The Deputy Director shall be entitled to the same compensation prescribed by Section 5313 of Title 5, United States Code, for positions at level II of the Executive Schedule. If a commissioned officer of the armed forces is serving as Deputy Director, he shall be entitled to the difference, if any, between his regular military compensation (as defined in Section 101(25) of Title 37, United States Code) and the compensation prescribed by Section 5313 of Title 5, United States Code, for positions at level II of the Executive Schedule.

(6) An Assistant Director shall be entitled to the same compensation prescribed by Section 5314 of Title 5, United States Code, for positions at level III of the Executive Schedule. If a commissioned officer of the armed forces is serving as an Assistant Director, he shall be entitled to the difference, if any, between his regular military compensation (as defined in Section 101(25) of Title 37, United States Code) and the compensation prescribed by Section 5314 of Title 5, United States Code, for positions at level III of the Executive Schedule.

OFFICE OF THE DIRECTOR
OF CENTRAL INTELLIGENCE

Sec. 104. (a) There is established under the Director an Office of the Director of Central Intelligence (hereinafter in this Title referred to as the "Office of the Director") to assist the Director in performance of his authorities and duties under this Act.

(b) The Director is authorized to employ such persons as necessary for the Office of the Director to fulfill the duties assigned it.

GENERAL AUTHORITIES AND RESPONSIBILITIES

Sec. 105. (a) Subject to the provisions of this Act, and only as provided by this Act, the agencies within the Intelligence Community are authorized to engage in foreign intelligence activities and special activities in support of national foreign policy objectives, under the direction of the National Security Council.

(b) The agencies within the Intelligence Community shall support the Director in carrying out his authorities and duties under this Title; Provided, that agencies within the Intelligence Community that are integral entities of Federal departments also are authorized to produce departmental intelligence.

(c) Appropriate senior officials of agencies within the Intelligence Community, in discharging their responsibilities, shall ensure that all activities for which they are responsible are carried out in accordance with the Constitution and laws of the United States.

AUTHORITIES AND DUTIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE

Sec. 106. (a) The Director of Central Intelligence, under the direction of the National Security Council, shall be the principal intelligence officer of the United States, shall be the principal adviser to the President and to the National Security Council on foreign intelligence matters, and shall be the principal spokesman to the Congress for the Intelligence Community and on national foreign intelligence matters.

(b) In carrying out his duties under this Act the Director shall, under the direction of the National Security Council, have primary authority within the Government for foreign intelligence, and shall be responsible for the coordination of foreign intelligence activities of the Government.

(c) The Director shall head the Office of the Director and the Central Intelligence Agency according to the provisions of this Act.

(d) It shall be the duty of the Director to collect, produce, analyze, coordinate and disseminate, within the Government, foreign intelligence; Provided, that in carrying out these duties, the Director shall:

(1) have authority to levy analytical tasks on agencies within the Intelligence Community, and in so doing, the Director shall ensure that national foreign intelligence products are timely and relevant;

(2) have authority to levy collection tasks on agencies within the Intelligence Community to fulfill requirements and priorities established by the National Security Council;

(3) develop, consistent with the requirements and priorities established by the National Security Council, policies, objectives and other guidance for the Intelligence Community in anticipation of future foreign intelligence needs;

(4) promote and direct the development and maintenance of services of common concern to the Intelligence Community; and

(5) formulate policies with respect to intelligence arrangements with foreign governments, and coordinate intelligence relationships between the various agencies within the Intelligence Community and foreign intelligence or internal security services of foreign governments;

(6) establish, as appropriate and notwithstanding the provisions of any other law, committees or other advisory groups to assist in the execution of the foregoing responsibilities.

(e) The Director shall, under the provisions of this Act, ensure implementation of special activities in support of national foreign policy objectives and sensitive intelligence collection operations.

(f) Notwithstanding the provisions of any other law, the Director may, in his discretion, terminate the employment of any officer or employee of the Central Intelligence Agency or of the Office of the Director, whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of any such officer or employee to seek or accept employment elsewhere in the Government if declared eligible for such employment by the United States Civil Service Commission.

(g) The Director shall have full and exclusive authority for approval of the consolidated budget for the Intelligence Community submitted to the President through the Office of Management and Budget and, after approval by the President, the Director shall present the budget to the Congress.

(h) The Director shall be responsible for protecting intelligence sources and methods against unauthorized disclosure, and shall ensure the development and coordination of programs which properly protect intelligence sources and methods.

(i) The Director shall, on a continuing basis, review and evaluate all ongoing and proposed intelligence activities and special activities in support of national foreign policy objectives in order to ensure that such activities are carried out in accordance with the Constitution and laws of the United States.

(j) The Director shall act as the principal spokesman for the Intelligence Community to the public on matters concerning foreign intelligence activities.

(k) The Director shall participate with the Attorney General and the legal officers of the agencies within the Intelligence Community in the development of procedures required to be approved by the Attorney General governing the conduct of foreign intelligence activities.

(1) To assist the Director in the fulfillment of responsibilities assigned in this section, the heads of all Executive Branch departments and agencies, in accordance with law and relevant Attorney General procedures and Executive Orders, shall give the Director access to all information relevant to the national foreign intelligence needs of the United States.

REQUIREMENTS RELATING TO APPROPRIATIONS FOR FOREIGN INTELLIGENCE ACTIVITIES

Sec. 107. (a) No funds may be appropriated for any fiscal year beginning after September 30, 1978, for the purpose of carrying out any foreign intelligence activity unless such funds have been previously authorized for such activity by legislation enacted during the same fiscal year or the two fiscal years immediately preceding that for which they are appropriated, except that the foregoing limitation shall not apply to funds appropriated by any continuing resolution.

(b) The Director is authorized to:

(1) Transfer to and receive from other Government agencies such sums as may be approved by the Office of Management and Budget, for the performance of any of the authorities or duties authorized under this Title, and any other Government agency is authorized to transfer to or receive from the Director such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations. Sums transferred to the Director in accordance with this paragraph may be expended for the purposes and under the authority of this Title without regard to limitations of appropriations from which transferred;

(2) Exchange funds without regard to Section 543 of Title 31; and

(3) Reimburse other Government agencies for services or personnel assigned to the Office of the Director or to the Central Intelligence Agency, and such other Government agencies are authorized, without regard to provisions of law to the contrary, so to assign or detail any officer or employee for such duty.

(c) The Director shall establish guidelines under which proposed reprogramming of funds in the consolidated budget for the Intelligence Community shall require his prior approval; Provided, that the heads of each agency within of the Intelligence Community shall advise the Director of any proposed reprogramming falling within the guidelines; and Provided further, that the Director shall review each such proposal and his approval shall be required for any such reprogramming.

(d) The Director is authorized to maintain a fund to be known as the Reserve for Contingencies (hereinafter in this Section referred to as the "Reserve") and to credit to the Reserve only such newly appropriated monies as are specifically appropriated to the Director for the Reserve. The Director is authorized to expend funds from the Reserve in any fiscal year for the payment of emergency and extraordinary expenses incurred in connection with any foreign intelligence activity or special activity in support of national foreign policy objectives only if:

(1) the withdrawal of funds from the Reserve has been previously approved by the Office of Management and Budget; and

(2) the Appropriations Committees and the Select Committees on Intelligence of the House and the Senate are kept fully and currently informed of all withdrawals; Provided, that the foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the implementation of any such activity.

(e) Any monies in the Reserve so approved for expenditure under the provisions of paragraph (d) of this Section but not actually expended for the specific purpose for which approved shall remain in or revert to the Reserve.

(f) Any activity funded from the Reserve which continues after the end of the fiscal year in which such activity was initiated shall be funded thereafter through the regular budgetary process at the earliest practicable time.

(g) The Director may expend funds appropriated to him for objects of a confidential, extraordinary or emergency nature, and such expenditures shall be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount certified therein.

SPECIAL ACTIVITIES AND SENSITIVE
COLLECTION ACTIVITIES

Sec. 108. (a) The National Security Council, in conjunction with the Director of Central Intelligence, shall review and make written recommendations to the President concerning each special activity in support of national foreign policy objectives (hereinafter in this Section referred to as "special activity") and each sensitive foreign intelligence collection operation (hereinafter in this Section referred to as "sensitive collection operation") or significant proposed change thereto.

(b) No funds may be expended for any special activity, or significant change thereto, unless and until the President has made a written finding that such activity or change is important to the national security of the United States and is consistent with the foreign policy goals of the United States.

REPORTING ON VIOLATIONS; INTELLIGENCE
OVERSIGHT BOARD

Sec. 109. (a) The heads of departments and agencies within the Intelligence Community and their Inspectors General and General Counsels shall be responsible for reporting in a timely manner to the Attorney General and to the Intelligence Oversight Board established by this Section, concerning any foreign intelligence activity brought to their attention which may constitute a violation of the Constitution or any law of the United States, or of any Presidential Directive; Provided, that the Attorney General and the Intelligence Oversight Board shall advise the President of any such activity which, in their view, constitutes a violation of the Constitution or any law of the United States; and Provided further, that the Attorney General, with due regard to his investigative and prosecutorial responsibilities, shall report periodically to the Committees on Intelligence of the Congress concerning such activities.

(b) The heads of departments and agencies within the Intelligence Community shall formulate and implement, in consultation with the Attorney General and the Intelligence Oversight Board, procedures to discover and report on activities that may constitute violations of the Constitution or laws of the United States, or of any Presidential Directive.

(c) Senior officials of agencies within the Intelligence Community shall report to the Attorney General evidence of possible violations of Federal criminal law by an employee of the agency, as well as evidence concerning such violations by any other person as to those Federal criminal laws specified in guidelines promulgated by the Attorney General.

(d) There shall be, under the direction of the President, an Intelligence Oversight Board (hereinafter in this Section referred to as the "Board"), consisting of three members appointed by the President from outside the Government; Provided, that no member of the Board shall have any financial or contractual relationships with any agency within the Intelligence Community; and Provided further, that one member shall be designated by the President as chairman.

(e) The Board shall receive and consider all reports by the Attorney General, the heads of any agency within the Intelligence Community, and the Inspectors General or General Counsels of any agency within the Intelligence Community submitted pursuant to paragraph (a) of this Section.

(f) Nothing in this section shall prohibit any employee of any agency within the Intelligence Community from reporting any matter described in paragraph (a) of this Section directly to the Attorney General or to the Intelligence Oversight Board.

(g) The Board is authorized to employ such personnel as may be necessary to carry out its functions under this Section; Provided, that no such person shall have any financial or contractual relationship with any agency within the Intelligence Community.

(h) The Board shall, upon the request of any member, be granted access to all information relevant to any activity covered by this Section in order to carry out its duties under this Act.

REPORTING TO THE CONGRESS

Sec. 110. (a) Consistent with all applicable authorities and duties, including those conferred by the Constitution upon the Executive and Legislative Branches, and with due consideration for the duties under law to protect intelligence sources and methods, the Director and heads of agencies within the Intelligence Community shall:

(1) Keep the Intelligence Committees of the House and the Senate fully and currently informed with respect to intelligence activities, including any significant anticipated activities which are the responsibility of, or engaged in, by such agency; Provided, that the Director shall report to the Intelligence Committees of the House and the Senate in a timely manner the special activities, and significant changes thereto, approved by the President; Provided further, that this does not constitute a condition precedent to the implementation of any such intelligence activity;

(2) Provide any information or document in the possession, custody or control of the agency or person paid by such department or agency, within the jurisdiction of the Intelligence Committees of the House or the Senate, upon the request of such Committee; and

(3) Report in a timely fashion to the Intelligence Committees of the House and the Senate information relating to intelligence activities that are illegal or improper and corrective actions that are taken or planned.